

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

RICHARD J. BAKER,

Plaintiff,

vs.

Case No. 3:08cv114/MCR/EMT

**MAJOR LEAGUE BASEBALL
PROPERTIES, INC., et al.,**

Defendants.

ORDER

Pending in this action are the motions to dismiss or, in the alternative, for more definite statement filed by defendants Major League Baseball Properties, Inc. and Major League Baseball Enterprises, Inc. (doc. 24); World Baseball Classic, Inc. (doc. 25); American Specialty Insurance & Risk Services, Inc. (doc. 26); and San Diego Padres Baseball Club, LP (doc. 28). In addition, defendant Major League Baseball Players Association has also filed a motion to dismiss (doc. 31).¹ Plaintiff has responded.

Upon review of the parties' papers, the court concludes that for the reasons stated in the defendants' motions the requests for more definite statement should be granted. The motions are otherwise denied, without prejudice. Plaintiff shall be required to file a second amended complaint within twenty days. The motion to dismiss filed by Major League Baseball Players Association will be denied without prejudice as moot.

¹ The docket indicates that defendants Ace Parking, Inc., and Ballpark Village, LLC, have also filed motions to dismiss. (Docs. 27 and 39). Ace Parking was terminated as a defendant on July 30, 2008. (See docs. 59, 60). Plaintiff has also filed a notice of voluntary dismissal as to Ballpark Village pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i). (Doc. 62). Both motions will be denied as moot.

Accordingly, it is ORDERED:

1. The motions for more definite statement filed by defendants Major League Baseball Properties, Inc. and Major League Baseball Enterprises, Inc. (doc. 24); World Baseball Classic, Inc. (doc. 25); American Specialty Insurance & Risk Services, Inc. (doc. 26); and San Diego Padres Baseball Club, LP (doc. 28) are GRANTED. The motions are otherwise DENIED, without prejudice.
2. Plaintiff shall have twenty (20) days from the date of this order in which to file a second amended complaint.
3. The motion to dismiss filed by defendant Major League Baseball Players Association (doc. 31) is DENIED without prejudice as moot.
4. The docket shall reflect that motions to dismiss filed by defendants Ace Parking, Inc., and Ballpark Village, LLC, (docs. 27 and 39) are moot and therefore are DENIED.

DONE and ORDERED this 12th day of August, 2008.

s/ *M. Casey Rodgers*
M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE